

HOUSE RESOLUTION No. ____

Introduced by: Friend

A HOUSE RESOLUTION expressing the will of the Indiana House of Representatives to protect the content of prayer and the right to address God in accordance with the dictates of conscience in the Indiana House of Representatives.

Whereas, the official invocation has been an unbroken tradition in the Indiana House of Representatives for 189 years;

Whereas, the Indiana House of Representatives has long had a policy of permitting members to give, or to invite clergy to give, the invocation prayer in a manner consistent with the religious beliefs and the freedom of conscience of the person giving the invocation;

Whereas, this privilege of invocation prayer has been extended over the years to a diverse group of Hoosiers representing a wide variety of creeds, faiths and traditions;

Whereas, during the past session of the General Assembly the invocation was offered by clerics representing the



Catholic, Jewish and Muslim faiths as well as those with no formal religious affiliation;

Whereas, the Indiana House of Representatives views the invocation as an opportunity to solemnize the proceedings of the House and to permit individual House members and their invited constituents to seek divine guidance on behalf of the House in a manner consistent with, and not repugnant to, their abiding beliefs;

Whereas, the members of the Indiana House of Representatives are subject to the unique pressures and duties of their office and of the burdens of the legislative environment, which frequently requires that they be absent from their own homes, families, and religious congregations;

Whereas, the ministry of visiting clerics and the offering of invocations accommodates the spiritual needs of the members of the Indiana House of Representatives and facilitates the voluntary exercise of their faith, providing them with spiritual encouragement while they are away from their homes, families, and religious congregations;

Whereas, the members of the Indiana House of Representatives accept that in our pluralistic society it is not possible that every faith or belief system be represented in each invocation;

Whereas, the members of the Indiana House of Representatives affirm as the foundational principle of religious tolerance that differences in faith or beliefs should be freely acknowledged and not be hidden, discouraged or suppressed through governmental order, coercion or officially imposed orthodoxy;

Whereas, the invocation prayer has traditionally been an opportunity to promote greater understanding among persons of all faiths;

Whereas, it has been the consistent tradition and practice of the members of the Indiana House of Representatives to stand in respectful silence as the invocation prayer was



offered by a fellow Hoosier, regardless of whether the members have shared the religious views expressed by the individual delivering the invocation;

Whereas, despite these salutary benefits of the Indiana House's invocation prayer, the United States District Court for the Southern District of Indiana, has issued an injunction which restrains religious liberty and the freedom of conscience and, in conflict with the historic and cherished rights of Americans, purports to control the specific content of prayers;

Whereas, this intolerable order of the United States District Court states that prayers given as part of the official proceedings of the Indiana House "should not use Christ's name or title or any other denominational appeal and should not "proclaim or otherwise communicate the beliefs that Jesus of Nazareth was the Christ, the Messiah, the Son of God, or the Savior, or that he was resurrected, or that he will return on Judgment Day or is otherwise divine ;

Whereas, this order is inconsistent with the settled beliefs and deepest convictions of many Hoosiers;

Whereas, because it attempts to control the content of prayer, this order undermines the rights of all Hoosiers regardless of their theological convictions;

Whereas, this order is contrary to the principles of religious liberty upon which this Nation was founded and which are embodied in the First Amendment to the United States Constitution;

Whereas, in *Marsh v. Chambers* in 1983 the United States Supreme Court considered our Nation's more than 200 hundred year history of legislative prayers, including prayers that invoke the name of Jesus Christ, and found that "In light of the unambiguous and unbroken history of more than 200 years, there can be no doubt that the practice of opening legislative sessions with prayer has become part of the fabric of our society. To invoke Divine guidance on a public body entrusted with making the laws is not, in these circumstances,



an “establishment of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country.

Whereas, as the United States Supreme Court's decisions make clear, public officials are not competent, in our constitutional order, to make the fine theological distinctions and comparisons necessary for one to declare that a prayer is sufficiently “inclusive or “nonsectarian to satisfy the court's injunction and the content of prayer is a matter solely for the religious conscience of the cleric or representative offering it;

Whereas, this order violates the fundamental rights of men and women conferred upon them by their Creator to always and freely seek the guidance and blessings of their Creator in accordance with the dictates of their conscience;

Whereas, the members of the Indiana House of Representatives believe that the United States District Court for the Southern District of Indiana has transcended the line between co-equal sovereigns in our federal system of government and has improperly intruded upon the affairs of the legislative branch of Indiana State Government by attempting to dictate the content of our prayers;

Whereas, the members of the Indiana House of Representatives have taken an oath to uphold the Constitution of the United States, and the members have considered the constitutionality of the practice under challenge and have concluded that it is fully consistent with the Establishment Clause of the First Amendment to the United States Constitution;

Now, therefore,

Be it resolved by the House of Representatives of the
General Assembly of the State of Indiana:



SECTION 1. That it is the judgment of the Indiana House of Representatives that the order of the United States District Court for the Southern District of Indiana is contrary to the word and spirit of the First Amendment.

SECTION 2. That the Speaker of the Indiana House of Representatives is urged to use the authority granted to him to prosecute all possible appeals of the order and to use all other lawful means at his disposal to seek the invalidation of that order.

SECTION 3. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the members of the Indiana General Assembly, the United States Congress and the President of the United States.

